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JURY VERDICTS WEEKLY

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Beer Delivery Driver Caused Head-on Crash, Killing Nurse

Verdict \$4,532,771.00

Case Type: Passenger, Motor Vehicle - Truck, Motor Vehicle - Center Line, Wrongful Death

Case: Loree Isenberg and Lawrence Evans v. Anheuser Busch and Adam Walker, No. RIC 367926

Venue: Superior Court of Riverside County, Riverside, CA

Judge E. Michael Kaiser

Date 01-02-2003

PLAINTIFF(S)

Attorney:

- Steve F. Carlson; Carlson & Johnson; Orange, CA, for Lawrence Evans, Loree Isenberg
- Gary A. Dordick; Law Offices of Gary A. Dordick; Beverly Hills, CA, for Lawrence Evans, Loree Isenberg
- Randy A. Johnson; Carlson & Johnson; Orange, CA, for Lawrence Evans, Loree Isenberg

Expert:

- David King; Mechanical; Los Angeles, CA called by: Gary Dordick
- Jay Schapira M.D.; Cardiology; Los Angeles, CA called by: Gary Dordick
- Peter Formuzis; Economics called by: Gary Dordick
- Michael Kalafer; Pulmonology called by: Gary Dordick
- Sharon Kawai; Neurology called by: Gary Dordick

DEFENDANT(S)

Attorney:

- James V. Reiss; Reiss & Johnson; Rancho Cucamonga, CA, for Adam Walker, Anheuser Busch

Expert:

- Steven Simons M.D.; Pulmonology; Beverly Hills, D called by: James Reiss
- Dr. Harold Karpman; Cardiovascular Medicine called by: James Reiss
- George Brinton Ph.D.; Economics called by: James Reiss
- Stanley Cohen; Neurology called by: James Reiss
- Norman Levine; Radiology called by: James Reiss

On July 10, 2001, Adam Walker was driving a beer delivery truck for his employer, Anheuser Busch, on State Route 74 in Riverside when he crossed the center-line, striking head-on the vehicle being driven by 32-year-old Deana Evans and in which 66-year-old Loree Isenberg was a passenger. Isenberg was on her way from having an exploratory GI endoscopy. Evans was her nurse who died at the scene of the crash.

On the first day of trial, the defendants admitted negligence and the case proceeded to verdict on damages and causation.

Before trial, Anheuser Busch settled with the decedent's three children for the total sum of \$2,000,000.

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Injury:

Plaintiff Isenberg suffered a broken tenth rib, causing a hemothorax which led to a partial collapse of the left lung. She required intubation, a tracheotomy, ventilator support, and ongoing 24-hour nursing care. She was hospitalized for 3 days after the accident and then discharged home, but was hospitalized for chest pain and shortness of breath several days later.

Isenberg had extensive medical problems before the accident and after. Three weeks before the accident, she had been hospitalized for congestive heart failure. Her medical condition before the accident was such that she had a caretaker 4 hours per day and she had been 100% permanently disabled for the past 26 years due to her diabetes.

Isenberg requested \$1,400,000 in past medical expenses and between \$562,000 to \$4,200,000 in future medical expenses depending on her life expectancy, which she claimed was an additional 6 to 10 years.

The defendants alleged that all hospitalizations after the initial 3 days were not accident-related, but then took the position that all medical care after June 2002 was not accident-related.

The defendants further alleged that Isenberg's pre-existing medical condition and accident-related injuries were such that her life expectancy was, in all probability, no more than one year.

Plaintiff Lawrence Evans, 60, is the husband of decedent Deana Evans. At the time of the accident, they had been married approximately 1 1/2 years. The decedent is also survived by her three minor children from two prior marriages.

Economic damages claimed were \$30,500 through \$285,000, depending on the hourly rate and division of community portion of household services.

During closing arguments, plaintiff's counsel requested \$12 million on behalf of Isenberg, \$3 million on behalf of Evans.

Defense counsel requested the jury to award \$2 million to \$2.5 million to Isenberg, \$125,000 to Evans.

Verdict Information: The jury returned a total award of \$4,532,771.

Lawrence Evans

\$276,386 Personal Injury: Non-economic damages

Loree Isenberg

\$3,026,385 Personal Injury: Economic Damages

\$1,230,000 Personal Injury: Non-economic Damages